

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Edward D. Mack, #261986,)	C/A No. 5:11-588-TLW-KDW
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Daniel Cotter, W.M. Tisdale, Michael)	
McCall, Miriam Snyder, Barrette Durant,)	
Robert Johnson, and Lavern Epps)	
)	
Defendants.)	

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in prisoner petitions filed under 42 U.S.C. § 1983. On May 21, 2012, Defendants filed a Motion for Summary Judgment, ECF No. 93, and Plaintiff filed a response in opposition to Defendants' motion on June 25, 2012, ECF No. 102. On July 19, 2012, the court granted in part Plaintiff's Motion for an Order to Permit Correspondence filed on June 15, 2012, ECF No. 100, and ordered Defendants to permit Plaintiff to send correspondence to six identified inmates concerning this case. ECF No. 109. Plaintiff's correspondence was being sought for the limited purpose of requesting affidavits or declarations from other inmates in order to provide support for Plaintiff's response in opposition to Defendants' summary judgment motion.

On November 16, 2012, the court granted Plaintiff an extension, until November 30, 2012, to provide additional arguments or affidavits in opposition to Defendants' Motion for Summary Judgment. ECF No. 125. On December 4, 2012, Plaintiff filed a supplemental opposition to Defendants' summary judgment motion, ECF No. 128, in which Plaintiff avers

that he attempted to correspond, on October 17, 2012, with four of the six inmates named in the court's July 19, 2012 order, and that he has not received a response or acknowledgement that these correspondences were received. ECF No. 128 at 1-2. Plaintiff further contends that he spoke with Ms. Merchant from Perry Correctional Institution's mailroom about the status of these correspondences, and he was told that he "was charged for four (4) postages, but she did not know whether the correspondences were delivered nor if a SCDC personnel reviewed it." *Id.* at 2. Per this court's July 19, 2012 order, Plaintiff was given the opportunity to correspond with the named inmates in order to prosecute his case. Defendants are therefore ordered to update the court by December 10, 2012 with the status of their compliance with this court's July 19, 2012 order.

IT IS SO ORDERED.



December 5, 2012
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge